

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIAGEO NORTH AMERICA, INC.,

Plaintiff,

v.

PREP ENTERPRISES LLC
D/B/A CAPTAIN AMSTERDAM,

Defendant.

Civil Action No. 1:15cv06322 (ER)

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for all parties who have appeared herein that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the above-captioned action shall be, and hereby is, dismissed in its entirety without prejudice and with each party bearing its own costs, fees and disbursement.

Dated: New York, New York
September 30, 2015

FOLEY & LARDNER LLP

By Andrew Baum

Andrew Baum

90 Park Avenue
New York, NY 10016-1314
(212) 68207474
abaum@foley.com

Attorneys for Defendant
Prep Enterprises LLC

ROPES & GRAY LLP

By Evan Gourvitz

Evan Gourvitz

1211 Avenue of the Americas
New York, NY 10036
(212) 596-9000
evan.gourvitz@ropesgray.com

Attorneys for Plaintiff
Diageo North America, Inc.